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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,886	04/27/2005	Takumi Ikeda	MAT-8594US	6694
23122	7590	06/18/2007	EXAMINER	
RATNERPRESTIA			MULLEN, THOMAS J	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/506,886

Applicant(s)

IKEDA ET AL.

Examiner

Thomas J. Mullen, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-9,11-13,16-31,33-47 and 50-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,5-9,11-13,17,18,21,23,24,26,28-30,33,35-37,39-47,51,52,55-60 and 62-64 is/are allowed.
- 6) ☒ Claim(s) 16,27,50 and 61 is/are rejected.
- 7) ☒ Claim(s) 2,3,19,20,22,25,31,34,38,53 and 54 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 April 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 6/1/07.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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1. The amendment filed 4/30/07 has been fully considered. The substitute specification has been entered. The replacement drawing sheets are approved; note, however, paragraph 3 below.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. The drawings are objected to because in Fig. 11, block 1101, it appears that reference numeral "1105" (for the "First light output controller") should be --11015--; see page 25, line 13 in the substitute specification.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. Claims 19-20 and 53-54 are objected to under 37 CFR 1.75(b) as being "unduly multiplied", i.e. these claims appear to be identical or nearly identical in scope.

Claims 19 and 53 are drawn to "location information", while claims 20 and 54 are drawn to "place information". The intended difference in scope, if any, between these pairs of claims (i.e., by using the term "location" as opposed to the term "place", and vice versa) is not clearly understood from the disclosure. (It is noted that claim 19, as amended, refers to "at least one of the light output device and a second light output device", while claim 20 as amended merely refers to "a second light output device"; claims 53 and 54 both refer only to "a second light output device".) In the specification, applicant discusses these terms (i.e., "location" and "place") at page 10, lines 4-5 (where they are nominally listed as separate parameters) and page

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66, last 3 lines (where they are used interchangeably); since in general these terms are extremely similar in meaning, it is unclear whether or not applicant is, in fact, defining separate conditions or parameters regarding the "external information" using these terms.

5. Claims 2-3, 22, 25, 31, 34 and 38 are objected to under 37 CFR 1.75(a) for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2, lines 4, 7 and 8, "a information" (one occurrence on each line) should be --an information--.

Claim 22, last line, "a heartbeat pulse counts" is vaguely worded.

Claim 25, line 2, "an information" should be simply, --information--.

Claim 31, line 17, it appears that "is storing" should be --stores--.

Claim 34, line 6, "a plurality of history information" is vaguely worded.

Claim 34, line 17, it appears that one or more words should be inserted after "states" (e.g. "wherein"--note that claim 34 includes subject matter combined from original claims 7 and 11).

Claim 34, lines 17-18, "a plurality of the external information" is vaguely worded.

Claim 38, line 8, it is unclear which previously recited element(s) is/are being referred to by "it".

6. Claims 16, 27, 50 and 61 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 16 and 50, "the size of light displayed across a surface of a display", which is "selected from three or more different sizes of light", is vague as to how "size" can be a suitable parameter for defining "light" per se, and is unclear as to whether "size" refers to, e.g., the dimensions of the "display" as a whole or of a particular "light" element appearing on the "display", etc.

Claims 27 and 61, "information related to an angle of a second light output device" is indefinite as it is unclear what other element, surface, etc. forms a frame of reference for defining

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such an "angle" (i.e., between the second light output device, or a portion thereof, and the other element/surface).

7. Claims 1-3,5-9,11-13,16-31,33-47 and 50-64 are allowed, or would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, and/or the objection(s) under 37 CFR 1.75(a), set forth in this Office action.

8. Applicant's arguments filed 4/30/07 have been fully considered and they are considered as follows:

Regarding the "unduly multiplied" claims 19-20 and 53-54, applicant's disclosure (referring to the portions of the substitute specification alluded to in applicant's remarks) does not seem to make any distinction between what is meant by a "location" of an object and what is meant by a "place" of an object, such that the intended distinction between the "location" claims (19, 53) and the "place" claims (20, 54) cannot be determined. All of these claims refer to the "location" or "place" of a "second light output device" (it is noted that claim 19 also mentions a "light output device" other than the "second" such device); it is unclear if "location" and "place" are intended to define different parameters with respect to the second light output device (or the first light output device), or are merely different terms for referring to the same defined parameter.

Regarding the 112(2) rejections of claims 16 and 50 (as to "the size of light"), applicant's disclosure (referring to page 24 of the substitute specification, and Fig. 10) does not provide a clear teaching as to what is meant by the "size" of the outputted light, nor how the light's "size" would be controlled; the specification mentions "three, or more, light source sizes", "changing the size of light output on display", etc., but Fig. 10 merely shows what appear to be same-sized circles 1004 ("round graphic display in red color") on different faces 1002 of a cube 11, and there appears to be no teaching as to how the size of the "circles" would be modified (if that is, in fact, what is meant by changing the "size of light").

Regarding the prior art relied upon (EP '821), applicant asserts that EP '821--while varying the "images shown"--nevertheless "does not control light output"; however, it is considered inherent that the images in EP '821 are "light"-based, note display 102a in Figs. 1-2,

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and EP '821 further discloses other "lights" per se (i.e., LEDs 25d,102d in Figs. 1-3). The display 102a and LEDs 25d,102d are each controlled by operation control unit 24 in Fig. 3, i.e. operation control unit 24 is inherently a "light output controller" per se. Nevertheless, the claims in their present form are considered allowable over EP '821, as noted above, for reasons discussed by applicant on page 21 of the response.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The IDS filed 6/1/07 has been considered.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Mullen, Jr. whose telephone number is 571-272-2965. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4 PM. The examiner can also be reached on alternate Fridays.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu, can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TJM


THOMAS MULLEN
PRIMARY EXAMINER
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